

### **REMARKS**

Applicant thanks the Examiner for the thorough consideration given the present application. Claims 38-68, 80-83 and 90-100 remain in the application and claims 38-42, 50, 80, 90, 91 and 99 are independent. Claims 42, 46, 49, 52, 55, 57, 65, 68 and 100 stand withdrawn from consideration by the Examiner under 37 C.F.R. § 1.142(b) as directed to a non-elected invention. Applicant respectfully notes for the record that should the claims upon which the withdrawn claims depend become allowable, these dependent claims will be subject to rejoinder under the provisions of MPEP § 821.04, since they would also be allowable on their face.

The Office Action dated January 9, 2009 has been received and carefully reviewed. Each issue raised in the Office Action is addressed below. Reconsideration and allowance of this application are respectfully respected in view of the following remarks.

#### **Allowable Subject Matter**

The Office Action indicates that claims 80-83 and 99 are allowable. Applicant appreciates the early indication of allowable subject matter.

#### **Priority Under 35 U.S.C. § 119**

The Examiner has not acknowledged Applicant's claim for foreign priority under 35 U.S.C. § 119, and receipt of the certified priority documents, receipt of which on June 29, 2005 were acknowledged on FORM PCT/DO/EO/903 (Acceptance Notice), dated March 13, 2006. Acknowledgment thereof by the Examiner in the next Office Action is respectfully requested.

#### **Claim Rejections – 35 U.S.C. § 102**

Claims 39-41, 50, 58-62, 64 and 90-98 stand rejected under 35 U.S.C. § 102(b) as unpatentable over U.S. Pat. No. 6,381,125 to Mizoguchi et al. ("Mizoguchi"). Applicant submits that the Examiner has failed to establish a *prima facie* case of anticipation and respectfully traverses the rejection. A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

In order to establish a *prima facie* case of anticipation under 35 U.S.C. § 102, the cited

reference must teach or inherently include each and every element of the claims. See M.P.E.P. § 2131; M.P.E.P. § 706.02.

We will treat the rejection of claims 39-41 and 50 first. While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicant respectfully submits that independent claims 39-41 have been amended to recite, *inter alia*, a combination of elements in a thin design display apparatus including a fitting part of the display unit which may be separated or removed from the stand/pillar so that the display may be used without the stand/pillar for support. Applicant respectfully submits that this combination of elements as set forth in independent claims 39-41 is not disclosed or made obvious by the prior art of record, including Mizoguchi.

The Examiner states that Mizoguchi shows a thin design display apparatus comprising a stand/pillar structure 1 having an insert space (presumably shown in dashed lines in Figure 2 and within cover 37), a thin type display unit 2; and a fitting part 3, 4, 33 (or stand-cum-joint) on the thin type display unit; wherein the thin type display unit is supported by the stand/pillar structure 1, by inserting the fitting part 3, 4, 33 into the insert space, wherein the display unit includes a grip handle (the curved top of the display unit 2) which can be gripped, wherein the fitting part 3, 4, 33 of the display unit can be pulled out from the stand/pillar structure; and wherein an anti removal device 34, 35 prevents removal of the fitting part and a removal prevention releasing device 35a cancels the removal prevention against the fitting part by the anti removal device.

Applicant respectfully submits that the fitting part 3, 4, 33 of Mizoguchi can be manually pulled further away from the base 1 of the stand/pillar to permit limited motion in directions a and b, but we do not believe it is possible to remove or separate the display unit from the stand unit because the flange at the bottom of elevating member 33 prevents removal from cover 37. A careful review of the structure in Figure 2 shows the rack 34 and the flange at the bottom of elevating member 33 have dimensions that would make it impossible to remove or separate the fitting part 3, 4, 33 from the hole at the top of cover 37. The claims have now been amended to make this distinction clear. Claim 39 now recites, *inter alia*, that the fitting part of the display unit can be pulled out and removed from the stand/pillar structure and the fitting part supports

the display unit. Claim 40 now recites, *inter alia*, that the fitting part of the display unit can be separated from the stand/pillar structure. Claim 41 now recites, *inter alia*, that the display unit includes a grip handle which can be gripped, and wherein the removal prevention releasing device releases removal prevention of the fitting part by a force acting in the same direction as the fitting part is inserted into the stand/pillar structure to permit separation of the fitting part from the stand/pillar structure. And claim 50 has now been amended to recite, *inter alia*, that the display apparatus has a second configuration in which the stand-cum-joint of the display unit is disconnected from the stand/pillar structure to provide a stand for supporting the display unit. Applicant respectfully submits that Mizoguchi cannot separate or remove the display unit from the stand unit because the flange and rack at the bottom of elevating member 33 prevents removal from the opening at the top of cover 37.

Applicant respectfully submits that the combination of elements as set forth in independent claims 39-41 and 50 is not disclosed or made obvious by the prior art of record, including Mizoguchi, for the reasons explained above. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

With regard to dependent claims 58-62 and 64, Applicant submits that claims 58-62 and 64 depend, either directly or indirectly, from independent claim 50 which is allowable for the reasons set forth above, and therefore claims 58-62 and 64 are allowable based on their dependence from claim 50. Reconsideration and allowance thereof are respectfully requested.

With respect to claims 90 and 91, it is respectfully submitted that Mizoguchi fails to anticipate these claims. The Examiner alleges in the rejection that the fitting part “can be pulled from the stand” on page 3, line 3, of the Office Action. That is not what claims 90 and 91 require. Claim 90 specifies, *inter alia*, a display unit detaching method wherein a fitting part is removably supported by a stand/pillar structure, by inserting the fitting part into an insert space of the stand/pillar structure, and removal of the fitting part is prevented by an anti removal device, comprising the steps of: pulling up the grip handle so as to cause a force to act in the direction in which the fitting part is separated from the stand/pillar structure, and applying a force on the anti removal device, at the same time, in the same direction as the fitting part is inserted into the stand/pillar structure, so as to detach the fitting part of the display unit from the

stand/pillar structure. As discussed above, Mizoguchi fails to show, or inherently teach, separation or detachment. This is because the rack and the flange at the bottom of elevating member 33 prevent removal from the opening at the top of cover 37, and therefore the reference does not anticipate the claim. Likewise, claim 91 requires, *inter alia*, a fitting part pivotably mounted on the thin type display unit; and a removable stand structure having an insert space adapted to slidably, removably receive the fitting part, the stand structure supporting the thin type display unit when the fitting part is in the insert space. As discussed above, Mizoguchi fails to show this feature. With regard to dependent claims 92-98, Applicant submits that claims 92-98 depend, either directly or indirectly, from independent claim 91 which is allowable for the reasons set forth above, and therefore claims 92-98 are allowable based on their dependence from claim 91. Reconsideration and allowance thereof are respectfully requested.

Claim Rejections – 35 U.S.C. § 103

Claims 38, 43-45, 51, 53, 54 and 56 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Mizoguchi in view of U.S. Pat. No. 7,389,963 to Cho et al. (“Cho”). Claims 47, 48 and 63 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Mizoguchi in view of Cho, and further in view of Official Notice. Applicant submits the Examiner has failed to establish a *prima facie* case of obviousness and respectfully traverses the rejections. A complete discussion of the Examiner's rejections is set forth in the Office Action, and is not being repeated here.

In order to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), the cited references must teach or suggest each and every element in the claims. See M.P.E.P. § 706.02(j); M.P.E.P. 2141-2144.

Applicant notes that the patent to Cho has a filing date of August 25, 2003, which is after the foreign priority date of each of the foreign priority documents for which this application claims priority. To perfect the claim for priority, Applicant herewith submits English language translations of each of the priority documents, along with a statement that the translations of the certified copies are accurate. Accordingly, under the practice established in MPEP § 201.15, this perfection of Applicant's claim to foreign priority removes Cho from availability as a reference

against this application, and thereby obviates the rejections in which Cho was relied upon. Reconsideration and withdrawal of these rejections are respectfully requested.

With respect to claims 47, 48 and 63, the Examiner has taken Official Notice that providing a remote control holder and/or semicircular speakers on the left and right of the display are conventional in this art. While not conceding this point, which Applicant does not, Applicant notes that even if such were to be established as fact, such a fact would fail to remedy the defect of Mizoguchi discussed above, which comments are incorporated herein.

Claims 66 and 67 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Mizoguchi in view of Official Notice. Applicant submits the Examiner has failed to establish a *prima facie* case of obviousness and respectfully traverses the rejection. A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

In order to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), the cited references must teach or suggest each and every element in the claims. See M.P.E.P. § 706.02(j); M.P.E.P. 2141-2144.

The Examiner has taken Official Notice that providing a remote control holder and/or semicircular speakers on the left and right of the display are conventional in this art. While not conceding this point, which Applicant does not, Applicant notes that even if such were to be established as fact, such a fact would fail to remedy the defect of Mizoguchi to show or suggest a display apparatus that has a first configuration in which the display unit is supported by the stand/pillar structure, and wherein the display apparatus has a second configuration in which the stand-cum-joint of the display unit is disconnected from the stand/pillar structure to provide a stand for supporting the display unit, as now recited in claim 50. Reconsideration and allowance are respectfully requested.

### Conclusion

All objections and rejections raised in the Office Action having been properly traversed and addressed, it is respectfully submitted that the present application is in condition for allowance. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been

made to the outstanding Office Action, and as such, the present application is in condition for allowance. Notice of same is earnestly solicited.

Prompt and favorable consideration of this Amendment is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Paul T. Sewell, Registration No. 61,784, at (703) 205-8000, in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By 

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Attachments: Certified Translations of  
JP 2003-109211 and JP 2003-003755 Priority Documents